

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No 14135 of Amoco Oil Co., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 5102.41 for the proposed modification of an existing gasoline service station and for variances from the rear yard requirements (Sub-section 5303.1) and from the prohibition against any portion of the structure or premises being located within twenty-five feet of a Residence District unless separated therefrom by a street or alley (Paragraph 7403.11 and Sub-paragraph 5101.411) in a C-2-A District at premises 1950 Benning Road, N.E., (Square 4506, Parcel 160/22).

HEARING DATE: May 23, 1984

DECISION DATE: May 23, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of 21st Street and Benning Road and is known as premises 1950 Benning Road, N.E. It is zoned C-2-A.
2. The subject site is trapizoidal in shape and contains approximately 7,380 square feet of land area. Its dimensions are eight-five feet on the south along Benning Road 102.48 feet on the east along 21st Street, 62.60 feet along the north lot line and one hundred feet on the west.
3. The subject site is currently improved with a gasoline service station building with two service bays and two pump islands with canopy which were constructed in 1971 pursuant to BZA Order No. 10830. That order granted variances from the rear yard requirements and the twenty-five foot setback requirement from a residential district. The rear of the existing building is located three feet from the northern property line adjacent to the R-5-B District.
4. The subject site was originally developed in 1932 as a gas station. The applicant has leased the subject premises since 1939 for operation as a gasoline service station.
5. In 1975, the applicant closed the service bays in the existing building and limited operation of the facility to self-service gasoline sales only. The existing building is used as a cashiers building only.

6. The site is accessed via three curb cuts. Two of the curb cuts are located on the Benning Road frontage and are used for both entering and exiting the site. The third curb cut provides secondary access from 21st Street. The 21st Street curb cut is in excess of fifty feet from the residential district to the north and is separated from the residential district to the east by 21st Street.

7. The square in which the subject site is located is split-zoned C-2-A and R-5-B. The subject site is located entirely within the C-2-A zone.

8. Immediately north of the subject site are the Langston Terrace Apartments in the R-5-B District. Immediately west of the subject site is the electric substation serving the apartment development and commercial uses fronting on Benning Road. The remainder of the square is developed with row dwelling units.

9. The applicant proposes to update the existing gasoline service station. The existing structure, gas pumps and canopy will be demolished. The existing underground storage tanks will be removed.

10. In place of the existing improvements, the applicant proposes to construct three pump islands, one of which is a double loaded island with pumps straddling both sides of the attendant's booth in the center of the site, a new canopy with improved lighting, and four new 10,000 gallon underground storage tanks. There will be no change in the location of existing curb cuts.

11. The applicant's representative testified that the existing facility is not conducive to efficient internal traffic circulation due to the small size of the site, the location of existing improvements and the large volume of customers which are served at this facility.

12. The applicant's representative further testified that the existing underground storage tanks are small and do not meet current environmental protection standards.

13. The proposed modernization of the facility is in part designed to improve internal traffic circulation. The proposed new underground storage tanks will require fewer deliveries of fuel by tanker trucks to the site and are designed to protect the environment.

14. The applicant is seeking a special exception pursuant to Paragraph 5102.41 of the Zoning Regulations which provides that the Board may approve the establishment or enlargement of a gasoline service station in the C-2-A District subject to the special provisions of Article 74 and the conditions set forth in Paragraph 5101.41.

15. The applicant is also seeking a variance from the requirements of Paragraph 7403.11 and Sub-paragraph 5101.411 which require that no portion of the gas station shall be located within twenty-five feet of a residence district unless separated therefrom by a street or an alley.

16. As advertised, the subject application sought variance relief from the rear yard requirements of the C-2-A District. Subsequent to the public hearing and decision on the application, the staff discovered an error in the computations submitted with the memorandum from the Chief, Zoning Review Branch, dated April 9, 1984. That memorandum indicated that the rear yard requirement for the C-2-A District was twenty-five feet and that the applicant was providing a rear yard of twenty-three feet, therefore requiring a variance of two feet or eight percent. Staff review of the Zoning Regulations indicated that the rear yard requirement for the C-2-A District is fifteen feet rather than twenty-five. Telephone conversations between the staff and the Chief, Zoning Review Branch, confirmed that the required rear yard is fifteen feet, that the proposed rear yard is in excess of that requirement and that a variance from the rear yard requirements is not necessary.

17. As to the special exception, the Board finds that the applicant complies with the conditions of Paragraph 5101.41 with the exception of the twenty-five foot setback from the residential district as required by Sub-paragraph 5101.411 and Paragraph 7403.11. There is no vehicular entrance or exit at a point closer than twenty-five feet to the residential district. There is no entrance or exit closer than twenty-five to the street intersection as measured from the curb lines extended. No grease pits or hoists are proposed. The operation of the use will not create dangerous or otherwise objectionable traffic conditions. As hereinafter conditioned, the adjacent or nearby property will not be adversely affected by the design, appearance, screening or lighting of the proposed use.

18. As to the variance from the twenty-five foot separation requirement, the Board finds that the edge of the proposed canopy is six feet from the property line which is the line of demarcation between the C-2-A District and the adjacent R-5-B District. The small size of the existing lot makes relocation of the canopy on the lot not feasible. The existing structure is three feet from that property. The proposed modification therefore increases the distance between the proposed use and the adjacent residential district. The location of the existing structure was granted a variance from the twenty-five foot separation requirement in BZA Order No. 10830, dated August 12, 1971.

19. The site has a long history of gas station use and the Board has previously found, in BZA Order No. 10830, that

the use would not create dangerous or otherwise objectionable traffic conditions and that the requested relief could be granted without substantial detriment to the public good and without substantially impairing the intent, purpose or integrity of the zone plan.

20. The Office of Planning, by memorandum dated May 16, 1984, recommended approval of the application with the following conditions:

1. All lights used on the site shall be of a type and so placed as to direct and confine all rays to the site's surface.
2. A landscaped buffer strip shall be placed along the rear property line running from the proposed public telephone to the rear lot line's termination on 21st Street. This landscaping shall be in addition to that proposed for the southwest corner of the site and the side property line along 21st Street.
3. The refuse dumpster shall be placed in a brick enclosure and the entrance shall not front upon a residence district.

The Office of Planning was of the opinion that the proposed modifications could eliminate nuisance-like operational characteristics such as on-site traffic congestion and back-up onto Benning Road. The Office of Planning was further of the opinion that, as conditioned, the use could be granted without substantial detriment to the neighborhood.

21. The Board concurs with the intent of the Office of Planning's recommendation. The Board finds that the revised plan submitted by the applicant addresses Conditions 1 and 2. As to the screening of the trash area, the Board finds that a brick enclosure is not necessary, and that the screening proposed by the applicant is sufficient. The Board will require that an additional curb and planting be extended to the east side of the trash area to protect and screen that side of the enclosure. The Board will allow the applicant to provide additional planting along the western property line to further screen the station from the adjoining uses.

22. Advisory Neighborhood Commission 5B made no recommendation on the subject application.

23. There was no opposition to the application at the public hearing on of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and an area variance. In order to be granted the special exception relief the applicant must demonstrate compliance with the requirements of Paragraphs 5102.41 and Sub-section 8207.2 of the Zoning Regulations.

The Board concludes that the applicant has demonstrated such compliance, with the exception of the requirement that the use be separated from the nearest residential district by at least twenty-five feet. All vehicular entrances and driveways are located more than twenty-five feet from the nearest residential district. There will be no grease pits or hoists. The operation will not create dangerous or objectionable traffic conditions. The proposed vehicular circulation pattern will provide greater efficiency and alleviate circulation problems associated with the existing station. The Board has imposed requirements as conditions to this order pertaining to design, appearance and screening as it has deemed necessary to protect adjacent and nearby properties.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to effect adversely the use of neighboring property.

As to the relief from the twenty-five foot separation requirement, the Board concludes that such relief is an area variance, the granting of which requires the showing of a practical difficulty inherent in the property. The Board concludes that the small size of the property and the long standing history of gasoline station use on the subject site which pre-dates the present Zoning Regulations constitutes an exceptional situation or condition of the property.

The Board further concludes that the variance may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map. It is therefore ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the site plan marked as Exhibit No. 26 of the record, except as hereinafter modified.
2. The east side of the trash area at the northeast corner of the site shall be protected by an eight inch concrete curb and two additional up-rite

yews, as show on the plan marked as Exhibit No. 27 of the record.

3. All rays of any lighting used to illuminate the canopies and signs on the site shall be directed so as to illuminate only the surface of the site.
4. All landscaping shall be maintained in a healthy, growing condition.
5. The applicant may provide additional planting and curbing along the western property line to separate the site from the adjacent property.

VOTE: 3-0 (Lindsley Williams, William F. McIntosh, and Charles R. Norris to grant; Douglas J. Patton and Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 20 FEB 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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